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1952 **K** **File No.** O Prev of Excommunication / 52

Legal Dept.

A · BRANCH

Subject:— opinions under the Bombay Prevention of Excommunication Act 1949

File No. O. Prev of Excommunication / 52

Gen. 104 a.

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The view taken by the Home Department that having regard to the nature of the alleged rights claimed the case does not fall within the purview of the Bombay Prevention of Excommunication Act, 1949, is correct.

Sd./-
22/2/52.
Remembrancer of Legal Affairs.

U.R. to H.D., No. 2916; dated the 22nd February, 1952.

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13.6.56.
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Office of the R.L.A.

Excommunication means the expulsion of a person from any community of which he is a member depriving him of rights and privileges which are legally enforceable by a suit of a civil nature by him or on his behalf as such member (vide section 2(b) of the Bombay Act XLII of 1949). In this case the only right of which Shri Bhagwandin Lallu is alleged to have been deprived is the right to take water from the Dhebighat. It is not clear from the papers whether he had such a right and whether he had that right as a member of his community. It appears from paragraph 6 of the proposed complaint that the police have recorded some statements. These should have been called for and examined. At present on the record in this file no prima facie case has been made out.

Sd./-
21/10
Remembrancer of Legal Affairs.

U.R. to H.D., No. 17541/A; dated the 23rd October 1952.

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